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BY ECF

Honorable Judge Marcia M. Henry
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Government Employees Insurance Company, et al., v. Avonora, Inc., et al.*, Index No. 23-cv-3409; Opposition to Plaintiffs' Motion to Compel

Dear Judge Henry:

We write on behalf of Defendants Avonora Inc., d/b/a Avonora Pharmacy ("Avonora"), Irina Aronova, AVK Rx, Inc., ("AVK Rx") and Stanley Aronov to oppose Plaintiffs' motion to compel.

Federal Rule of Civil Procedure 26 requires that on a motion to compel, the party seeking to compel has the initial burden of demonstrating that the demands are "proportional to the needs of the case, taking into consideration aspects such as the importance of the issues, the amount in controversy, the parties' resources and access to the information sought, and the importance of the information sought to the asserted claims or defenses." Cidoni v. Woodhaven Ctr. of Care, No. 2:21-cv-03654 (JMA) (JMW), 2023 U.S. Dist. LEXIS 62503, at *8 (E.D.N.Y. Apr. 10, 2023). Here, Plaintiffs' discovery demands are far from proportional to the needs of the case because they seek an exhaustive production of documents and information that go well beyond the relatively small portion of Defendants' business that consists of filling prescriptions sent by No-Fault medical providers. For example, Plaintiffs' Interrogatories seek an exhaustive list of every person or entity who has ever provided any sort of service to Defendants without limitation as to whether such people ever dealt with No-Fault prescriptions, including cashiers and janitorial staff. ECF No. 41-1 at 21, AVK RX and Avonora Interrogatories 5. Plaintiffs also seek an exhaustive accounting of Defendants' computer equipment, again without limitation. ECF No. 41-1 at 21, AVK Rx and Avonora Interrogatories 19. Plaintiffs' Document Demands are even broader, seeking every communication remotely related to the operation of either Defendant Pharmacy, no matter how irrelevant the communication may be. ECF No. 41-1 at 21, AVK RX and Avonora Document

Demand 32. These demands fall well outside the bounds of Rule 26 and the Court ought therefore deny Plaintiffs' blanket motion to compel.

Despite these improper and overreaching demands, Defendants Stanley Aronov and Avonora have submitted responses and produced documents, with further documents to be produced as they are located and reviewed. Irina Aronova and AVK Rx have not yet completed their search for documents and information and require additional time to fully respond to Plaintiffs' demands. In sum, Plaintiffs' discovery demands seek production of voluminous documents and broad categories of information, which Defendants simply have not yet been able to complete. Defendants thus request that the Court allow them until January 5, 2024, to complete their document production and to provide final verified interrogatories to Plaintiffs. Due to the Hannukah, Christmas, and New Years holidays, Defendants and their counsel will be unable to complete production any earlier.

Thank you for your consideration of this letter.

Cc: All Counsel via ECF

Respectfully,

/s/ _____

Nicholas Bowers, Esq.

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